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1 Q. I'm saying just -- just in this
2 photograph. I understand --

3 A. Okay.

4 Q. Okay. But then the box says -- the
5 three tissue size boxes do say "Nitrile
6 Examination Glove" on them, correct?

7 A. Yeah.

8 Q. Okay. Then scroll up one page to
9 page 9 of the PDF. And do you see it looks
10 like it's a "Department of Health and Human
11 Services Indications For Use" form?

12 A. No, I don't see.

13 Q. You don't see the second to last
14 page?

15 A. I see the second to last page. I
16 don't see Department of --

17 Q. It's at the top left --

18 A. Okay.

19 Q. -- of the page.

20 Okay. And then on the right-hand
21 side, there are some specifications and
22 different testing standards that are listed
23 in the table. Do you see that?

24 A. I don't know how to read this.

25 Q. Okay. And I'm not asking -- I

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1 understand you've testified you're not an
2 expert in this, so I'm not asking you to
3 interpret it. I'm just asking you: Do you
4 see different standards listed, including
5 ASTM D6319? It's listed here, correct?

6 A. I don't know what --

7 MR. SPERBER: Objection to the
8 form.

9 A. I don't know what this means.

10 BY MR. RAKHUNOV:

11 Q. Okay. So whatever -- understood.
12 And I didn't ask you what it meant.

13 But you were -- when you provided
14 this information from Medcare to your
15 customers, you would expect that if -- that
16 the customer would rely on it; is that fair?

17 A. I don't know. As I told you, every
18 customer relied on something else. I don't
19 think that I ever gave this to Rock Fintek.
20 They knew what they buying. This is what --
21 they came to me. They knew what they're
22 buying. They knew what they wanted. This is
23 what they wanted. They know exactly what
24 they're buying. They didn't tell me this
25 spec, that spec. They didn't tell me nothing

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1 as of that.

2 Q. Do you know if Mendel Banon gave
3 this information to Rock Fintek before they
4 kept trying to -- before they came to you?

5 A. I don't know. I don't -- I don't
6 recall and I don't know. You'd have to ask
7 him.

8 Q. Okay.

9 A. As you heard from the whole case,
10 they came to Mendel Banon. I don't think
11 Mendel Banon went to them. We were not
12 looking to deal with them.

13 Q. Understood. So, but when they came
14 to you through Mendel Banon, they were
15 looking for specific product, correct?

16 A. They were looking for Medcare.

17 Q. Yeah, they were looking for Medcare
18 Nitrile Examination Gloves with an FDA 510-K
19 certification, correct?

20 A. They never told me this. They told
21 me they're looking for Medcare glove.

22 Q. Well, we looked -- we looked at the
23 purchase -- sales and purchase agreement
24 yesterday. Do you remember that?

25 A. I don't want to go into that

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1 because we're going to argue, and let's not
2 argue. That's what --

3 **Q. Well --**

4 A. I don't want to argue. But you're
5 cutting me off again when I'm talking.
6 That's a fact. The fact is I was -- I wasn't
7 looking to deal with them. They came to me.
8 They knew that I have Medcare products.
9 Somehow -- I don't know how they knew. I
10 don't -- I'm not interested to knowing how
11 they knew.

12 And I told you they were trying to
13 make pregnant Mendel. I didn't get pregnant
14 at all. He got very pregnant and excited
15 like a candy -- a guy that's getting a whole
16 bag of candy -- jar of candy.

17 We spoke about this yesterday. And
18 I clearly explained it to you. I didn't even
19 want to deal with those people. Arik Maimon
20 pushed us with all his connections and all
21 his chair people and all those people that he
22 has connections in places that I know, pushed
23 us and put a lot of pressure that we should
24 sell them.

25 **Q. Okay. You did enter into a**

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1 contract with Rock Fintek, and they paid you
2 more than \$19 million for gloves; you agree
3 with me on that, right?

4 A. Discuss this with my lawyer,
5 Counsel. I don't know. Yes, they paid me.
6 They got --

7 Q. You said --

8 A. I was in the middle --
9 They picked up merchandise and paid
10 me for what they picked up.

11 Q. Okay.

12 A. I know when I go to the grocery to
13 buy a bottle of milk, I go to the register
14 and I pay. This is how it works. Somebody
15 comes to me, picks up merchandise and picks
16 up and pays.

17 If they would not pick up the
18 goods, that's a different story. They picked
19 up the goods from me and they paid. Whatever
20 they -- some of them, they picked up and they
21 didn't pay. That's what I'm -- you asked I
22 started a claim, yes, I started a claim for
23 money that I didn't get paid.

24 Q. You're not denying that you signed
25 the contract, are you?

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1 A. I never -- did I -- did I say that
2 any given time? I said -- the questions that
3 you have on the contract, I don't want to
4 discuss. You can ask my lawyer.

5 **Q. Okay.**

6 A. I'm totally -- I totally say that
7 they didn't buy -- I'm disagreeing. My
8 lawyer is -- I said they never bought -- they
9 bought Medcare brand examination gloves. I
10 didn't even have to put on the boxes
11 "examination gloves."

12 But, again, this is with you, my
13 lawyer, and you guys can hash it out. They
14 asked me for an examination glove. That's
15 what -- that's what I bought from
16 Anna Grinvald, and gave them an examination
17 glove. And this is what I know about.
18 That's it.

19 **Q. You testified yesterday that it was**
20 **your position that every glove you sold to**
21 **Rock Fintek under the sales and purchase**
22 **agreement was labeled "Examination" on the**
23 **box, correct?**

24 A. Correct.

25 **Q. And you testified that the gloves**

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1 that came from Prestige and MM2020, those
2 gloves predated the sales and purchase
3 agreement; do I remember that correctly?

4 A. Again, please repeat the question.

5 Q. Sure. I think you testified
6 yesterday -- or you can correct me if I'm
7 wrong -- that there are some gloves that you
8 sold to Rock Fintek that came from Prestige,
9 correct?

10 A. Right.

11 Q. But that was before the big
12 contract, correct?

13 A. Before the contract at all. I
14 didn't have two contracts. You make it like
15 I have big contract and small contract. That
16 was before my contract.

17 Q. It was before the contract, okay.

18 A. Correct.

19 Q. And, again, correct me if I
20 misheard your testimony. I think you
21 testified that you did not take any inventory
22 from JNS or Joel Stern to fulfill any portion
23 of the contract with Rock Fintek?

24 A. Correct, the best of my knowledge.

25 MR. RAKHUNOV: Okay. So maybe

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1 let's take a look at an email. I just
2 put Exhibit 19 into the chat box.

3 (Defendant's Exhibit 19, Email
4 dated Apr 27, 2021, from Mendel Banon to
5 Luis Navarro, et al., marked for
6 identification as of this date.)

7 BY MR. RAKHUNOV:

8 Q. This is an email. It's a five-page
9 email chain, again, produced to us in this
10 litigation by your counsel. The top email is
11 April 27th from Mendel Banon to Luis Navarro
12 at md3pl, copying David Dembitzer at md3pl,
13 Jim Esparza at md3pl and you.

14 So we already talked about
15 Mr. Esparza. David Dembitzer, is that
16 someone else you worked -- who worked at your
17 logistics company on the glove orders?

18 A. Correct.

19 Q. Okay. And same with Luis Navarro,
20 correct?

21 A. I don't recall Luis's name. But
22 David Dembitzer, I recall.

23 Q. Okay. I just want to direct your
24 attention first to the very bottom, the last
25 page of the document, the first in time email

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1 exchange. Let's start there.

2 This is an email from you on April
3 19, 2021. And you write, "Hi, I will try to
4 make it the easiest possible.

5 "The following container number
6 loads we are selling to a customer of ours
7 which will come down to inspect and pick up."

8 Are you referring to Rock Fintek at
9 this time?

10 A. No.

11 Q. Okay. Who are you referring to?

12 A. If I remember correctly, it's a
13 different customer.

14 Q. Okay. Well, let's just clear that
15 up. Can you go up to -- up one page to an
16 April 26, 2021 email from you. And you
17 write -- this is a week later. You write,
18 "Good morning David and Jimmy." And you're
19 responding to the same email chain. And you
20 write, "Last week Rock Fintek picked up 2
21 containers of the below. Today they are
22 picking up another 2 containers, you can go
23 ahead and release it to them."

24 Does reading that refresh your
25 recollection that the customer you reference

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1 is Rock Fintek?

2 A. First of all, I -- I don't see
3 where you're at. But if -- you said go up
4 one page and I don't see nothing, so I have
5 to find it.

6 Q. Sure. Take your time. It's
7 AKW_3371 just for the record, is the page I'm
8 referring to.

9 In the -- towards the top third of
10 the page, you write on Monday, April 26, 2021
11 at 11:20 a.m., "Good morning David and Jimmy.
12 Last week Rock Fintek picked up 2 containers
13 of the below. Today they are picking up
14 another 2 containers, you can go ahead and
15 release it to them."

16 Are you with me now?

17 A. Yes.

18 Q. Okay, so you see that.

19 So does that -- I know this --
20 these are events from, you know, three and a
21 half years -- two and a half years ago.

22 So does this refresh your memory
23 that the first email in time was referring to
24 Rock Fintek as the customer?

25 A. No.

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1 **Q. Okay.**

2 A. I remember at the same time -- I
3 remember that in the same time when Rock
4 Fintek was supposed to pick up, there was
5 other customer also pick up. And I remember
6 clearly that me and JNS was supposed to make
7 a deal with a different guy. So I don't know
8 where -- or this got confused or mixed up.

9 But could be sometimes because of
10 my English and my not separating subjects or
11 those kinds of stuff, this got mixed up. But
12 clearly this has -- this is two different
13 customers. Because I remember that we had an
14 issue with a different customer who wanted to
15 sell some stuff. And we were trying -- and
16 he was supposed to come down and inspect
17 stuff.

18 **Q. Who was that customer?**

19 A. What? What did you ask?

20 **Q. Who was the customer you're**
21 **referring to?**

22 A. I don't remember his company name.
23 It's Klein.

24 **Q. Sorry. Can you spell that. I just**
25 **didn't catch it.**

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1 A. Klein. Klein.

2 Q. Okay, Klein, I got it.

3 Okay. But regardless -- okay.

4 Well, let's go down to the last page again
5 and let me ask you a few more questions.

6 So then you go on to write, "Now
7 the goods are currently not assigned to me,
8 they are under JNS and Prestige Sales. But,
9 I am having them release it to me, so I can
10 sell it further."

11 Do you see you wrote that?

12 A. Yeah.

13 Q. Okay. And then there are three
14 containers from JNS with numbers underneath
15 them. One container from MM2020 with a
16 number and two containers from Prestige. Do
17 you see that?

18 A. Correct.

19 Q. Okay. And then you write, "Once
20 all is released and ready to load on trucks,
21 please make sure that the JNS goods are the
22 ones accessible to inspect, and they are the
23 ones loaded on the track last.

24 On every load there should be some
25 JNS goods mixed in, so you should have what

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1 to put last on the truck.

2 "In other words, we want them
3 rather to see those goods if they inspect."

4 Do you see you wrote that?

5 A. Yes.

6 Q. What did you mean by wanting the
7 customer, whoever that is, to see --

8 A. Every customer had their own -- I
9 would say -- I'm going to call it
10 "specifications," but it's not specification
11 because. Its own instructions. This
12 customer had this -- we showed him all the
13 mixed -- we were supposed to sell them, like,
14 a mix. And on a cheap deal, you should take
15 a different mix from three different things.
16 And it was a mix between MM2020 -- not
17 everything was even Medcare.

18 And he asked us -- this is the way
19 he wanted the load should be loaded. I don't
20 know who was his customer, and I wasn't
21 involved.

22 The same as Rock Fintek would ask
23 me to load 10404010. I don't get involved
24 with that part. Whatever the customers tells
25 me to do, this is what they tell me to do.

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1 Q. So it's your testimony that when
2 you wrote "we wanted them rather to see those
3 goods if they inspect," the "we" is
4 referring --

5 A. I'm referring to regarding what the
6 customer sold to his customer. You have to
7 understand, there's four -- there's a lot of
8 different parties. I sold it to Mr. Klein.
9 Mr. Klein had another customer, that he had
10 another customer. I don't know if you know
11 how this worked in this PP products. There
12 was a lot of brokers involved. Sometimes
13 there were 25 brokers involved --

14 Q. Okay.

15 A. So --

16 Q. So let --

17 A. -- I can't tell you what -- I'm
18 just trying to figure out. I'm trying to
19 think what -- what it is. But I do know that
20 there is sometimes -- there's a lot of
21 brokers involved in deals. This is
22 instructions that my client gave me. This is
23 what I do.

24 Q. Okay. So let's keep going up in
25 the email chain. So I already asked you

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1 about the April 26th email where you wrote,
2 "Last week Rock Fintek picked up 2 containers
3 of the below."

4 So when you're referring to last
5 week Rock Fintek picking it up, it's
6 something separate from what you're writing
7 about on the 19th; is that your testimony?

8 A. Yes.

9 Q. Okay.

10 A. Yes.

11 Q. Okay. So then let's go to --

12 A. Again -- again, I know -- I
13 remember separately that there was a deal
14 with JNS and M20 and all of us involved
15 through Mr. Klein.

16 I don't recall because, again,
17 you're picking on an email which I don't
18 recall this email. So I -- and -- and --
19 and -- and this, I would have to go look all
20 the front and backwards. I definitely know
21 that there was -- I didn't separate -- it was
22 more conversations on the telephone.

23 Q. Okay. You have the email. You can
24 look at every line of it. But let me -- and
25 actually that's what I'm trying to do as

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1 well.

2 So then let's go up to the page --
3 it's the third page of the document. And it
4 has AKW_3370. And this is now April 27,
5 2021. You write, "Hi, You can release a load
6 for Rock Fintek as below."

7 And you provide size breakdowns.
8 And then you write, "Once this is out, please
9 confirm what is the balance of the 6
10 containers prepared last week."

11 Do you see you wrote that, correct?

12 A. Yeah.

13 Q. Okay. And then -- and then if you
14 go up one email, David Dembitzer asks,
15 "Please clarify what brand and what
16 containers to pull from if you need
17 specific."

18 Do you see that?

19 A. No.

20 Q. This is --

21 A. Yes.

22 Q. You see that? Okay.

23 A. "What brand and what containers to
24 pull from."

25 Q. Okay.

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1 A. You see, so what brand and what
2 containers, because it was a lot of different
3 things.

4 Q. Sure. So let's -- let's keep going
5 up to see how you responded to Mr. Dembitzer.
6 Your response starts at the very bottom of
7 page 1, is where the email header is. And
8 you write, "These are Medcare, please make
9 sure only Medcare is being loaded, and send
10 picture before loading."

11 Do you see that?

12 A. Where again?

13 Q. So --

14 A. No.

15 Q. It starts at the bottom of page 1,
16 is the email header. It says from Joseph
17 Weiner, Tuesday --

18 A. "These are Medcare, please make
19 sure only Medcare is being loading, and send
20 pictures before loading."

21 Q. So, first of all, if -- if
22 Mr. Dembitzer or Esparza sent you pictures,
23 how would they send the pictures? Would it
24 be by email, would it be by --

25 A. No, they called me. Then it --

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1 because I was -- I was didn't have WhatsApp,
2 so it was very complicated. So I called them
3 by -- by FaceTime, the same way I called
4 today my attorney. And I was -- I was
5 verifying looking myself at everything.

6 Q. Okay. And then you write, "look
7 back at the emails, I copied it here." And
8 then just below italicized, you put the same
9 instructions that you gave in the bottom of
10 the email for Rock Fintek, "3 containers from
11 JNS, 1 container from MM2020 and 2 contains
12 from Prestige." Do you see that?

13 A. "3 containers from Medcare, 1
14 container... 2 containers of Rock Fintek" --
15 where? "2 containers from Prestige," yeah.

16 Q. Yeah. So do you agree with me that
17 you are instructing mdpl to fulfill Rock
18 Fintek's order with the breakdown in this
19 email, 3 containers from a JNS, 2 containers
20 from MM2020 and 1 from Prestige?

21 A. No, it's two separate dates.
22 They're two separate emails. It's confusing,
23 but it's two separate emails.

24 Q. All right. I agree with you
25 that I'm not going to argue with you about

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1 this. But I'm just trying to understand what
2 your view of this email is.

3 A. Very confusing -- very confusing
4 with my English is not the best and my typing
5 is not. And I'm send a voice note -- -- a
6 voice. And this is very confusing. But I
7 did not -- I didn't do -- take from 2020 and
8 this. I picked up -- all the containers came
9 in from the port and was designated for them.

10 Q. Okay. And if you go to page 1 of
11 this email, the response -- the response from
12 Luis Navarro to -- he writes to Mendel Banon,
13 who is copied on the email below and he says,
14 "Mendel, As discussed we only have the
15 following left of NBR.

16 "The rest of the quantities will be
17 filled with the synthetic gloves using the
18 provided break down."

19 Do you understand what's -- what
20 the difference is between "synthetic gloves"
21 and "NBR" that Mr. Navarro mentions in this
22 email?

23 A. No. But I was -- I don't -- I do
24 know that originally some boxes had synthetic
25 nitrile exam and then some boxes had NBR

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1 nitrile exam. But I don't know what the
2 difference.

3 Q. Okay. So is it -- okay. If you
4 don't know, you don't know.

5 Mr. Banon, in any event, replies,
6 "Ok, thanks," right?

7 A. Not that I see.

8 Q. At the very top.

9 A. Yes. "Ok, thanks," yeah.

10 Q. And you're copied, right?

11 A. I'm copied? Yes.

12 Q. You were copied? Okay.

13 A. Yeah, yeah.

14 Q. Okay. Do you know of an entity
15 called Wenzly, Inc., W-E-N-Z-Y?

16 A. Yes.

17 Q. Okay. What is that?

18 A. My wife's -- my wife's company.

19 Q. What does that company do?

20 A. O think -- I think, at the moment,
21 nothing.

22 Q. Okay. What did it do at the time
23 that the Rock Fintek was buying gloves from
24 you?

25 A. I don't recall. I would have to

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1 check.

2 Q. Does Wenzy do any -- provide any
3 trucking services?

4 A. I don't recall.

5 Q. Has Wenzy, Inc. ever provided
6 trucking services?

7 A. Not that I recall -- I don't
8 recall.

9 Q. Have you ever billed Rock Fintek
10 for trucking services in the name of Wenzy,
11 Inc.?

12 A. I never billed -- Wenzy originally
13 is -- there's two Wenzy, Inc.s. I don't know
14 which one you're talking about. The trucking
15 company, Wenzy Limited, is somebody -- Mr. --
16 Mr. Wertzberger, and I think his name is --
17 the company is owned by his wife, Mrs. Weiss.

18 I would have to exactly -- there's
19 a different company that I dealt with. His
20 name is Wenzy, but similar to our company but
21 it's a trucking company.

22 Q. Do you know if the trucking
23 company, Wenzy, Inc., provided any trucking
24 services in connection with Rock Fintek's
25 business?

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1 A. Again, I'm not -- I'm not -- one
2 second. Let me go out. I can't see you.

3 I know there's a trucking company
4 by -- owned by -- I don't know -- he's -- his
5 name that I dealt with Mr. Wertzberger out
6 of -- and I don't know the corporation
7 exactly, if it's spelled the same, so you
8 would have to check.

9 STENOGRAPHIC REPORTER: I'm so
10 sorry, he cut out a second.

11 A. Two corporations cannot be the
12 same, so I don't know. But it's very similar
13 names.

14 MR. RAKHUNOV: All right. Let's
15 look at -- let's look at another
16 document here. This one I might put on
17 the screen.

18 So I'm putting -- this would be 19?

19 STENOGRAPHIC REPORTER: This is 20.

20 MR. RAKHUNOV: Sorry. 20.

21 BY MR. RAKHUNOV:

22 Q. Well, you know, before -- actually,
23 before we go there, do you know what the
24 address of 7 Springs Road in Monroe, New York
25 is?

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1 A. That's where the trucking company
2 is located, 7 Spring? I don't know. I know
3 it's Monroe, New York, the trucking company.

4 Q. Okay. So if that's where Wenzy in
5 Monroe, New York, that would be the trucking
6 company?

7 A. That's my recollection.

8 Q. Do you know if it's still
9 operational?

10 A. I don't know. I don't use -- I
11 didn't use trucking for a very long time.

12 Q. And you said the name of the person
13 that you dealt with was Wertzberger; did I
14 hear correctly?

15 A. Wertzberger, yeah.

16 Q. And, I'm sorry, could you spell
17 that so the court reporter has it correctly,
18 if you know.

19 THE WITNESS: Alex, if you can give
20 the spelling. It's Wertzberger. I
21 don't know.

22 MR. SPERBER: I don't know.

23 Wertzberger. I would guess

24 W-E-R-T-Z-B-E-R-G-E-R.

25 BY MR. RAKHUNOV:

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1 Q. Okay. Do you still keep in touch
2 with Mr. Wertzberger?

3 A. I didn't talk to him for a long
4 time. He recently called me. I didn't
5 respond to his call.

6 Q. Did he leave you a message?

7 A. No.

8 Q. You don't know if he was calling
9 you about a subpoena that was attempted to be
10 served on him in this case?

11 A. Not that I know of. Because he
12 didn't leave me no messages, and I don't
13 know.

14 MR. RAKHUNOV: Okay. All right.
15 So I'm putting Exhibit 20 into the chat
16 box, but I'll put it up on the screen to
17 try to make it more efficient here.
18 It's an Excel spreadsheet produced to us
19 by your attorney in this case. And
20 described as a general ledger for the
21 transactions with Rock Fintek.

22 (Defendant's Exhibit 20, Excel
23 spreadsheet AKW005297, marked for
24 identification as of this date.)

25 BY MR. RAKHUNOV:

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1 Q. Let me know when you see it on your
2 screen.

3 A. Yes, I see it.

4 Q. Okay. So the -- and I'll just
5 scroll through it first so you can see the
6 totality of it. So the invoices that are
7 listed in this document, do they reflect all
8 of the invoices sent from you to Rock Fintek
9 for glove transactions?

10 A. Don't recall. I have to go check.

11 Q. Do you know who prepared this
12 general ledger?

13 A. No. I asked somebody -- I
14 definitely couldn't do it. I most probably
15 asked somebody should come in to -- and put
16 it together.

17 Q. Who would that be, like?

18 A. Don't remember. I use constantly
19 different people that are in the Jewish
20 community that they help out people.

21 Q. So it would be somebody with some
22 accounting experience; is that -- or
23 bookkeeping?

24 A. I don't know. I didn't ask them
25 for accounting or bookkeeping experience. I

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1 asked them if they can do an Excel
2 spreadsheet and put together everything so I
3 have a good understanding at a time where --
4 where I'm up to, what's going on.

5 Q. So you don't know if this document
6 accurately represents all of the invoices and
7 payments by Rock Fintek?

8 A. This should represent all the
9 invoices -- the invoices and all the payments
10 of Rock Fintek, yeah.

11 Q. Okay. So looking at the very
12 bottom, I don't know if you can see me
13 highlighting the cells. Can you see me
14 highlighting the cells?

15 A. No, because I don't see at all.
16 That's why I overlap sometimes talking you
17 because I'm index cell sheets and --

18 Q. Wait, wait, wait, wait, wait. Do
19 you see --

20 A. Okay.

21 Q. Okay. Do you see where it says,
22 "Shipped, Paid, Balance, Trucking,
23 Insurance" --

24 A. Yes.

25 Q. -- and then there are some numbers?

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1 **Okay.**

2 **So with respect to trucking, what**
3 **does that number of \$192,625 refer to?**

4 A. As I told you in the beginning,
5 there was a lot of trauma. If you want, I'll
6 give you more the details of the whole story.
7 They had -- then they didn't have to --

8 STENOGRAPHIC REPORTER: I'm sorry.
9 He's cutting out. I didn't hear the
10 whole answer.

11 MR. RAKHUNOV: Can you start again,
12 please.

13 A. Our deal with them was to pick up
14 the containers from the port. Then they
15 didn't have the money on a timely manner, so
16 I had to take it into a warehouse and -- and
17 hold it in the warehouse to keep it as
18 storage.

19 After that -- I'm going to cut to a
20 lot of chase that not interested. After
21 that -- at a certain point, you saw the
22 contract, they had thresholds. They
23 couldn't -- they couldn't keep up the
24 thresholds because it took them to deliver
25 from California to the customer -- that's

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1 what they were explaining to me -- let's
2 assume seven to eight days to truck it down
3 to their customer.

4 So they asked me to do them a favor
5 and go take it down to two other --

6 STENOGRAPHIC REPORTER: He cut out
7 again.

8 MR. RAKHUNOV: He froze for a
9 second. Okay. Now, your back yeah.

10 A. I'm sorry. They asked me -- one
11 second. Something -- hello?

12 MR. SPERBER: We're here.

13 MR. RAKHUNOV: We're here.

14 STENOGRAPHIC REPORTER: He looks
15 frozen.

16 MR. RAKHUNOV: Yeah.

17 THE WITNESS: Hello, do you hear
18 me? Hello?

19 MR. RAKHUNOV: Let me take the
20 share down. Maybe it's -- no, no, it's
21 him.

22 STENOGRAPHIC REPORTER: Now he's
23 gone.

24 MR. RAKHUNOV: Now we have lost the
25 video. For the record, it's 10:21.

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1 We've lost the witness's video.

2 STENOGRAPHIC REPORTER: It seems
3 like he had Internet issues.

4 THE WITNESS: Hello? Hello?
5 Hello?

6 MR. RAKHUNOV: We see you. Can you
7 see us?

8 MR. SPERBER: Can you see us?

9 STENOGRAPHIC REPORTER: He's frozen
10 again.

11 THE WITNESS: Hello?

12 MR. SPERBER: Can you see us?

13 THE WITNESS: I can see you, Alex.
14 I just heard you but I can't -- I can't
15 hear Phil and I don't hear the court
16 reporter. Hello?

17 MR. RAKHUNOV: Yeah, I'm here,
18 Mr. Weiner. I want to make sure you're
19 actually back. Can you here hear me?
20 Can you hear me?

21 THE WITNESS: I can hear you but
22 everybody's, like, for a second frozen.
23 Something is wrong with my Internet.

24 MR. RAKHUNOV: Yeah, do you want to
25 just log out and log back in?

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1 THE WITNESS: I'll do it. But,
2 Alex, you have to help me out with the
3 ID, if anything. So call me, Alex. If
4 I get -- I don't want keep everybody
5 waiting, okay?

6 MR. SPERBER: Okay.

7 THE WITNESS: Hello, Alex?

8 MR. SPERBER: Okay, I will. I will
9 call you.

10 THE WITNESS: Call my cell.

11 MR. RAKHUNOV: Might as well take a
12 two-minute break, 10:22.

13 (Recess taken.)

14 MR. SPERBER: Just on the record,
15 because I want to be clear it's 10:26 --
16 it's 10:26 a.m. We're ready to go
17 again.

18 BY MR. RAKHUNOV:

19 Q. Okay. Mr. Weiner, the trucking
20 invoice --

21 A. So let's go -- let's go back to
22 explaining you what that 140 -- \$192,000 is.
23 The \$192,000 is -- I explained it to you
24 yesterday, that they didn't have the money in
25 a time till they got that merchandise to

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1 their customer. It took them longer than
2 expected.

3 So they asked me to take it out --
4 take down merchandise to other warehouse
5 and -- and -- and closer to their customer so
6 they can have the turnaround time faster.

7 I did that on behalf of that -- on
8 behalf of them, and the agreement was that
9 all the trucking bills that has to be paid
10 from trucking it down from California to
11 wherever I -- as I told you, I don't remember
12 where the warehouses was. One was next to
13 Chicago. Another one, I don't recall. I
14 have to check. Those trucking bills, that
15 was supposed to be paid by them.

16 **Q. Do you remember what trucking**
17 **companies you used to provide -- to ship the**
18 **products from California to these other**
19 **warehouses?**

20 A. I don't recall. I remember that --

21 **Q. Do you remember --**

22 A. I remember that Mr. Wertzberger
23 took care of it.

24 **Q. So that would -- is that Wenzzy?**

25 A. I have to check. I don't remember.

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1 Q. Okay. Did the -- did whoever took
2 care of it send you invoices for those
3 services?

4 A. Correct.

5 Q. Do you remember Rock Fintek
6 requesting those invoices in support for the
7 \$192,000 charges?

8 A. I remember giving it to them, and
9 they said that this is not a trucking
10 invoice. And I told them that this is the
11 invoice, the trucking company that gave it to
12 me, and this is how you -- he invoices.

13 And then they went on --
14 Mr. Bradley said that this is not a trucking
15 invoice. I told him, "This is a trucking
16 invoice. If you want, you can contact them
17 today, I don't have a problem with that. I
18 don't have make money on that and I'm not
19 involved in that."

20 And I -- I asked him to give me a
21 different trucking company's invoice so I can
22 show it to the company, if you want a
23 different layout. I don't -- I don't make
24 the trucking invoices and I don't make
25 them -- how to make them invoices. And I

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1 don't tell and I don't dictate my vendor how
2 to make an invoice.

3 Q. Did you actually pay the \$192,625
4 to the trucking companies for those services
5 that you billed Rock Fintek for?

6 A. I actually paid much more.

7 Q. Okay. Have you provided proof of
8 that payment to your lawyer to be produced in
9 this case?

10 A. Should be my production.

11 MR. SPERBER: I'll just note for
12 the record that we did produce shipping
13 and storage invoices.

14 MR. RAKHUNOV: Okay. Have you
15 produced -- and this is a question for,
16 Alex. If you point me to it, then I
17 don't have any further issue to the
18 actual proof that Kitchen Winners paid
19 this amount to any trucking company.

20 MR. SPERBER: I'm sorry. Say it
21 again.

22 MR. RAKHUNOV: Have you produced
23 any actual evidence of Kitchen Winners
24 having paid this amount to the trucking
25 companies? I understand you produced

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1 the same invoices that were given to
2 Rock Fintek in the ordinary course that
3 my client wasn't satisfied with, but --
4 MR. SPERBER: I can look. I'm not
5 sure. Mr. Weiner is here. He can
6 testify as to whether it was paid or not
7 is.

8 MR. RAKHUNOV: Okay. Well, I'm
9 making --

10 A. It was paid for.

11 RQ MR. RAKHUNOV: I'm making a request
12 for any invoices from the trucking
13 companies to Kitchen Winners and any
14 proof of that payment. And we'll follow
15 up right after this deposition in
16 writing.

17 BY MR. RAKHUNOV:

18 Q. So, Mr. Weiner, next line item was
19 \$65,000 worth of insurance. What does that
20 refer to?

21 A. When they didn't have money to pay
22 me, they came up with an idea and saying
23 that -- that JNS had sold them merchandise
24 and gave them credit based on -- on insurance
25 company guaranteeing the money. If I would

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1 be opposed to use JNS's insurance for them,
2 something -- they were trying -- they were
3 trying to figure out, scrambling that I
4 should give them more credits.

5 And I spoke -- I think -- I don't
6 remember if I spoke to Joel Stern about it or
7 he recommended me. And Rock Fintek team said
8 that they're -- they're very -- again, they
9 were trying to impress that they're -- they
10 get insurance or credit from other things and
11 they -- I can trust them and bam, bam, bam,
12 and the company can get credits.

13 So I think I spoke to Joel Stern
14 about this once or twice. And Joel Stern
15 gave me a guy, like, by the name of Eli
16 Weiner, that Eli Weiner said that he can
17 assure to get insurance for up to a million
18 dollars, if I recall, or \$2 million. I don't
19 recall. And it would cost us a certain
20 amount of money.

21 And that amount of money then was
22 circulated to Rock Fintek because it wasn't
23 in part of our contract. And it was
24 circulated in conversation with Arik Maimon
25 or whoever.